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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,065	07/31/2003	Douglas Michael Boecker	AUS920030466US1	3523
35525	7590	12/02/2005	EXAMINER	
IBM CORP (YA)			BORKOWSKI, ROBERT	
C/O YEE & ASSOCIATES PC				
P.O. BOX 802333			ART UNIT	
DALLAS, TX 75380			PAPER NUMBER	
			2181	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/631,065	Applicant(s) BOECKER ET AL.	
	Examiner Robert Borkowski	Art Unit 2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

It appears to the examiner that the "Inter-internal control physical devices 214" (page 7, lines 24-25) refers to Fig. 2 element 215.

Appropriate correction is required.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Page 9, line 27 and 30 cites "clock line 326", it appears to the examiner that the Fig. 2 element 320, IIC clock line of ICC data line of element 324, is misnumbered and the correct number for the element 320 should be -326-. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Freitas et al. (U.S. Patent No. 6,401,110).

As to claims 1, 8, 15-16, Freitas et al. discloses wherein a bus arbitration (column 2 lines 2-11, Fig. 1B elements 154, 156) comprising:

a bus (column 6 lines 13-18, Fig. 1B element 158);

at least one end device connected to the bus (Fig. 1B elements 160, 162, 164);

an application (column 6 line 66 thru column 7 line 17),

a driver layer (column 6 lines 1-12, Fig. 1B elements 166, 168, 170), wherein the driver layer includes at least one device driver that communicates with the at least one end device and a wrapper layer (Fig. 1B elements 154, 156),

receiving a request (column 2 lines 31-48, column 7 lines 37-51, Fig. 1B elements 154, 156, Fig. 4 step 406) to perform a device access (column 4 lines 36-41, column 6 lines 1-12, Fig. 1A element 106, Fig. 1B element 155) operation on an end device on a bus (column 4 lines 42-59, Fig. 1A elements 114, 116, column 6 lines 13-15, Fig. 1B element 158);

determining whether the end device is locked (column 2 lines 31-48, column 7 lines 37-51, Fig. 4 step 407); and responsive to the end device not being locked (column 7 lines 37-51, Fig. 4 steps 407, 408, 410),

locking the end device (Fig. 4 steps 408, 410) and performing the device access operation (column 2 lines 31-48, column 7 lines 37-63, Fig. 4 step 412).

As to claims 2, 9, Freitas et al. discloses wherein the device access operation in one of a read operation and a write operation (column 6 lines 13-18).

As to claims 3, 10, Freitas et al. discloses wherein responsive to the end device being locked, denying the device access operation (column 2 lines 31-48, column 8 lines 36-54, column 11 lines 41-49).

As to claims 4, 11, 17, Freitas et al. discloses wherein the step of determining whether the end device is locked includes determining whether an address of the device is found in a list of occupied end devices (column 9 line 60 thru column 10 line 26, Fig. 4B, column 10 Table 1).

As to claims 5, 12, 18, Freitas et al. discloses wherein the step of locking the end device includes placing a device address of the end device in a list of occupied end devices (column 8 lines 36-54, column 10 Table 1).

As to claims 6, 13, 19, Freitas et al. discloses wherein responsive to the device access operation completing, unlocking the end device (column 2 lines 31-48, column 7 lines 64-67, column 10 lines 1-9, Fig. 4 step 422).

As to claims 7, 14, 20, Freitas et al. discloses wherein the step of unlocking the end device includes removing the device address from the list of occupied end devices (column 10 lines 1-26, Fig. 4 step 422).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,073,218 to DeKoning et al. discloses a method and associated apparatus for performing concurrent I/O operations on a common shared subset of disk drives.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Borkowski whose telephone number is 571-272-8626. The examiner can normally be reached on Monday - Friday 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 571-272-4083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2181

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert Borkowski
Art Unit 2181
November 17, 2005


DOV POPOVICI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100